

## REMARKS

Claims 1-13 are pending in the application, with Claims 1, 4, 12, and 13 being independent. As indicated above, Claims 1, 4, 12, and 13 are amended.

It is gratefully acknowledged that Claim 11 has been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Claims 1-10, 12 and 13 are rejected under 35 U.S.C. §102(e) as being anticipated by *Fraenkel et al.* (U.S. Publication 2003/0065986).

Regarding the rejection of Claims 1-10, 12 and 13 under §102(e), the Examiner alleges that *Fraenkel* anticipates each and every feature of the claims. Applicants respectfully disagree.

*Fraenkel* discloses a root cause analysis of server system performance degradations. The system disclosed by *Fraenkel* is a typical application layer system that uses agents installed on end user computers. *Fraenkel* does not teach or disclose any networking layer type systems.

Additionally, *Fraenkel* exhibits many of the problems that are described in the prior art section of the present application. As being only an application layer type system none of the networking data can be collected and utilized in the determination of the client perceived response times.

As indicated above, independent Claims 1, 4, 12, and 13 are amended to clarify the use of multiple correlation tags to identify and calculate response times of a single web event. For example independent Claim 1 is amended to recite, in part, “ identifying, using said correlation tags, a plurality of data corresponding to a single web event; combining said data corresponding to the single web event from said networking and application layers into a metric; and calculating using said metric client perceived response time of the single web event.” Claims 4, 12 and 13

are also be amended accordingly.

It is respectfully submitted that *Fraenkel* fails to teach these amended recitations of independent Claims 1, 4, 12, and 13.

MPEP §2131 Anticipation, clearly states that to anticipate a claim, the reference must teach every element of the claim. In addition, The United States Court of Appeals for the Federal Circuit has consistently held “that unless a reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. § 102.” *Net Moneyin, Inc., v. Verisign, Inc.*, 545 F.3d 1359 (Fed. Cir. 2008). *Fraenkel* does not disclose within the four corners of the document all of the limitations claimed nor all of the limitations arranged or combined in the same way as recited in the claim.

Based on at least the foregoing, withdrawal of the rejection of amended independent Claims 1, 4, 12, and 13 is respectfully requested.

Independent Claims 1, 4, 12 and 13 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2, 3, and 5-10, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2,3 and 5-10 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-13, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written in a cursive style.

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